

REMARKS

Claims 1-7 were pending at the time of the Office Action, of which claim 1 is independent. In this Amendment, claims 1 and 6 have been amended to clarify an aspect of the invention and claim 7 has been amended to update its dependency. New claim 8 has been added. Support is found in, for example, FIG. 3 and corresponding descriptions. Care has been exercised not to introduce new matter.

Rejection of Claims Under 35 U.S.C. § 102

Claims 1-7 were rejected under 35 U.S.C. § 102(e) as being anticipated by Hosokawa et al. (U.S. Publication No. 2004/0105472, hereinafter “Hosokawa”). The rejection is respectfully traversed for the following reasons.

Amended claim 1, in pertinent part, recites “the heat sink portion is fixed to the base portion in such a way that the element mount surface is located inward of an inner side surface of the depression, and that a portion of a bottom surface of the heat sink portion does not contact with the base portion.”

As disclosed in FIG. 3, the heat sink portion 3 is fixed to the top surface of the base portion 2. A portion of the bottom surface of the heat sink portion 3 does not contact with the top surface of the base portion 2.

Hosokawa fails to disclose the limitations of claim 1.

Turning to Hosokawa, all of the bottom surface of the metal block 17, on which the Examiner relied to disclose the “heat sink portion,” contacts with the base 1, on which the Examiner relied to disclose the “base portion.” The metal block 17 does not have any portion of

its bottom surface which does not contact with the base 1. In contrast, claim 1 requires “a portion of a bottom surface of the heat sink portion” not to “contact with the base portion.”

As anticipation under 35 U.S.C. § 102 requires that each element of the claim in issue be found, either expressly described or under principles of inherency, in a single prior art reference, *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 USPQ 781 (Fed. Cir. 1983), based on the foregoing, it is submitted that Hosokawa does not anticipate claim 1. Thus, claim 1 is patentable over Hosokawa.

Conclusion

Applicant submits that all of the claims are in condition for allowance. Accordingly, this case should now be ready to pass to issue; and Applicant respectfully requests a prompt favorable reconsideration of this matter.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Date: August 8, 2008

WDC99 1602099-1.070759.0044

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